

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PLAINTIFF UNDER SEAL,

v.

DEFENDANT UNDER SEAL.

Civil Action No. 15-5148

FILED UNDER SEAL

**The United States' Notice of
Election to Decline Intervention**

WILLIAM M. McSWAIN
United States Attorney

GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

LANDON Y. JONES III
Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106-4476
landon.jones@usdoj.gov
(215) 861-8323 (L. Jones Direct)
(215) 861-8618 (Fax)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,
ex rel. JOSEPH JOHN URBAN,
Plaintiff-Relator,

v.

McKESSON CORP.,
Defendant.

Civil Action No. 15-5148

FILED UNDER SEAL

**THE UNITED STATES' NOTICE OF
ELECTION TO DECLINE INTERVENTION**

Under the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, the Government respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, under 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government’s counsel. The United States reserves its right to order any deposition transcripts, to intervene

in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.


Finally, the Government requests that the relator's complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

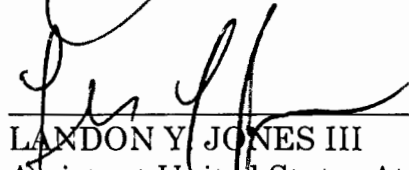
Dated: November 5, 2018

Respectfully submitted,

WILLIAM M. McSWAIN
United States Attorney



GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division



LANDON Y. JONES III
Assistant United States Attorneys
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106-4476
landon.jones@usdoj.gov
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(215) 861-8618 (Fax)

CERTIFICATE OF SERVICE

It is hereby certified that on this date a copy of the foregoing Notice of Declination was sent by First Class United States Mail, postage prepaid, to the following:

David C. Kane, Esquire
KANE & ASSOCIATES, LLC
1500 John F. Kennedy Blvd., Suite 820
Philadelphia, PA 19102



LANDON Y. JONES III
Assistant United States Attorney

Dated: November 15, 2018